

UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation No. 731-TA-1010 (Final)

LAWN AND GARDEN STEEL FENCE POSTS FROM CHINA

DETERMINATION

On the basis of the record¹ developed in the subject investigation, the United States International Trade Commission (Commission) determines,² pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. § 1673d(b)) (the Act), that an industry in the United States is materially injured by reason of imports from China of lawn and garden steel fence posts, provided for in subheadings 7326.90.85 and 7308.90 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce (Commerce) to be sold in the United States at less than fair value (LTFV).

BACKGROUND

The Commission instituted this investigation effective May 1, 2002, following receipt of a petition filed with the Commission and Commerce by Steel City Corp., Youngstown, OH. The final phase of the investigation was scheduled by the Commission following notification of a preliminary determination by Commerce that imports of lawn and garden steel fence posts from China were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. § 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the *Federal Register* of January 21, 2003 (68 FR 2794). The hearing was held in Washington, DC, on April 22, 2003, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on June 2, 2003. The views of the Commission are contained in USITC Publication 3598 (June 2003), entitled *Lawn and Garden Steel Fence Posts from China: Investigation No. 731-TA-1010 (Final)*.

By order of the Commission.

Marilyn R. Abbott
Secretary

Issued: June 4, 2003

¹ The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

² Chairman Deanna Tanner Okun and Commissioner Stephen Koplan dissenting.